REMARKS

Claims 1-16 and 36-40 were previously pending in this application. By this amendment, Applicant is canceling no claims. Claims 1, 8, 10, 11, 36 and 39 have been amended. No new claims have been added. As a result claims 1-16 and 36-40 are pending for examination with claims 1, 36 and 39 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §102

Claims 1-16 and 36-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,706 to Steven B. Wahl et al. (hereinafter "Wahl"). Applicant has amended independent claims 1, 36 and 39 and respectfully requests reconsideration in light of the following comments.

Independent claim 1, as amended, is directed toward a system comprising "memory including program instructions operable to direct the processor to … implement a plurality of variable definitions in the journal based data system, each variable definition of the plurality of variable definitions being associated with at least one sensor and indicating a data type for environmental data gathered from the associated at least one sensor; implement a plurality of variable update records in the journal based data system, each variable update records of the plurality of variable update records being associated with at least one of the plurality of variable definitions and having a value of the data type indicated by the associated at least one of the plurality of variable definitions; gather, via the kernel-mode device driver, the environmental data from the at least one sensor; and store the environmental data in at least one of the plurality of variable update records associated with at least one of the plurality of variable definitions associated with the at least one sensor." As is discussed further below, Wahl does not disclose these claim elements.

Wahl is directed toward a "computer network remote data mirroring system [that] writes update data both to a local data device and to a local, chronologically sequenced journal storage area, or writelog device" (Abstract). With reference to Fig. 2, Wahl discloses that the "writelog device 18 is a circular queue" (col. 7, line 49). Wahl also discloses a "primary mirror daemon on a local computer system [that] monitors the writelog device for data updates" (Abstract). Wahl further discloses "writelog device throttling [which] prevents a memory overflow condition by dynamically assigning memory to a writelog device." (Abstract) Thus, Wahl discloses a data

mirroring system that prevents data overflow on the mirroring device by assigning additional storage to the mirroring device as needed, that is when "the head of the writelog device 18 becomes big enough that it would overwrite the tail" (col. 7, lines 57 and 58).

Wahl does not disclose several of the elements recited in independent claim 1, as amended, because Wahl does not address gathering environmental data from sensors via a sensor interface. On the contrary, Wahl is focused on preventing a specific logical state from occurring on a computer readable storage device, i.e. memory overflow on a writelog device. To achieve this goal, Wahl uses the size of data that is to be written to the head of the writelog circular queue to determine if more memory is needed to prevent an overflow condition. However, Wahl does not disclose whether or how a history of these determinations is stored. On the other hand, independent claim 1, as amended, recites "a plurality of variable definitions ... each ... indicating a data type for environmental data" and "a plurality of variable update records ... each ... being associated with at least one of the plurality of variable definitions and having a value of the data type indicated in the associated at least one of the plurality of variable definitions," and thus recites elements not disclosed in Wahl. Even further removed from Wahl is the use of these variable definitions and variable update records to "store the environmental data in at least one of the plurality of variable update records associated with at least one of the plurality of variable definitions associated with the at least one sensor," as recited in independent claim 1.

In addition, Applicants maintain their assertion that the program instructions recited in independent claim 1, as amended, are not descriptive material. They direct the functional behavior of the processor, i.e. how the computer functions. Thus, In re Gulack does not apply to the present application. Based on these reasons, Wahl does not disclose at least one element of claim 1, as amended. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-16 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Accordingly, withdrawal of the rejection of those claims is respectfully requested.

Independent claim 36, as amended, is directed toward a method for processing data from a sensor including, among other acts, acts of "storing, in memory, program instructions operable to direct a processor to: implement a kernel-mode device driver for gathering data via a sensor interface and for manipulating a journal based data system; implement a plurality of variable definitions in the journal based data system, each variable definition of the plurality of variable

definitions being associated with at least one sensor and indicating a data type for environmental data gathered from the associated at least one sensor; implement a plurality of variable update records in the journal based data system, each variable update records of the plurality of variable update records being associated with at least one of the plurality of variable definitions and having a value of the data type indicated by the associated at least one of the plurality of variable definitions; executing, by a processor, the program instructions; gathering, by the implemented kernel-mode device driver, the environmental data from the at least one sensor via the sensor interface; and storing the environmental data in at least one of the plurality of variable update records associated with at least one of the plurality of variable definitions associated with the at least one sensor." Wahl does not disclose these claim elements based on reasoning similar to that discussed with regard to Wahl and claim 1 above. Accordingly, the rejection of independent claim 36, as amended, is respectfully requested.

Claims 37, 38 and 40 depend from claim 36 and are allowable for at least the same reasons that claim 36 is allowable. Accordingly, withdrawal of the rejection of those claims is respectfully requested.

Independent claim 39 is directed toward a computer readable storage medium having stored thereon sequences of instructions including instructions that will cause a processor to "store, in memory, program instructions operable to direct the processor to: implement a kernel-mode device driver for gathering data via a sensor interface and for manipulating a journal based data system; implement a plurality of variable definitions in the journal based data system, each variable definition of the plurality of variable definitions being associated with at least one sensor and indicating a data type for environmental data gathered from the associated at least one sensor; implement a plurality of variable update records in the journal based data system, each variable update records of the plurality of variable update records being associated with at least one of the plurality of variable definitions and having a value of the data type indicated by the associated at least one of the plurality of variable definitions; execute the program instructions; gather, by the implemented kernel-mode device driver, environmental data from the at least one sensor via a sensor interface; and store the environmental data in at least one of the plurality of variable update records associated with at least one of the plurality of variable definitions associated with the at least one sensor." Wahl does not disclose these claim elements based on

reasoning similar to that discussed with regard to Wahl and claim 1 above. Accordingly, withdrawal of the rejection of independent claim 39, as amended, is respectfully requested.

<div align="center">Objections to the Specification</div>

According to page 4 of the Office Action, the "disclosure stands objected to because 'an XML-based file encoding' no support has been provided." However, paragraph [0065] of the original specification recites a "further exemplary implementation may include … storing copies of the variables marked as persistent (using the type flags) to an XML-based file encoding." Accordingly, withdrawal of the objection to the specification is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. A2000-718710.

Respectfully submitted,

Michael Primm, Applicant

By: /Thomas J. McGinnis/

Thomas J. McGinnis, Reg. No. 58,026
LOWRIE, LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
Telephone: 617-395-7000
Facsimile: 617-395-7070

903309.1